

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

MELINDA SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:23cv95
)	
ATLAS NORTH AMERICA,)	
LLC, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Before the undersigned is Defendant Atlas North America, LLC’s Motion for Sanctions, ECF No. 52. In its Memorandum in Support of the Motion for Sanctions, ECF No. 53, Atlas North America LLC requests that the Court impose “sanctions awarding attorney’s fees” and also that the Court “dismiss Thyssenkrupp AG as a defendant due to a failure to prosecute.” ECF No. 53 at 9–10. The Court held a hearing on the Motion for Sanctions on July 16, 2025.

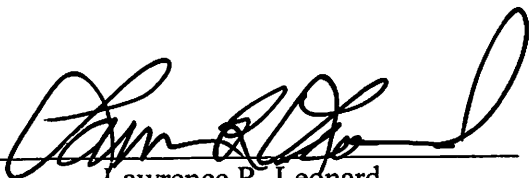
For the reasons stated on the record, the undersigned has determined that sanctions are not warranted in this case because Plaintiff did not act in bad faith in attempting to serve Defendant Thyssenkrupp AG and filing her Motion for the Court to Find that Thyssenkrupp AG has Been Served Process; or, in the Alternative, to Order That Counsel for Defendants Atlas or Thyssenkrupp Accept Service and an Extension of Time to Serve Process, ECF No. 48. Therefore, the undersigned **RECOMMENDS** that Defendant Atlas North America LLC’s Motion for Sanctions, ECF No. 52, be **DENIED**.

By receiving a copy of this Report and Recommendation, the parties are notified that:

1. Any party may serve on the other party and file with the Clerk of this Court specific written objections to the above findings and recommendations within fourteen (14) days from the date this Report and Recommendation is forwarded to the objecting party, *see* 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), computed pursuant to Federal Rule of Civil Procedure Rule 6(a). A party may respond to another party's specific written objections within fourteen days after being served with a copy thereof. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

2. A United States District Judge shall make a *de novo* determination of those portions of this Report and Recommendation or specified findings or recommendations to which objection is made. The parties are further notified that failure to file timely specific written objections to the above findings and recommendations will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations. *Thomas v. Arn*, 474 U.S. 140 (1985); *Carr v. Hutto*, 737 F.2d 433 (4th Cir. 1984), *cert. denied*, 474 U.S. 1019 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984).

The Clerk is **DIRECTED** to forward a copy of this Report and Recommendation to all counsel of record.


Lawrence R. Leonard
United States Magistrate Judge

Newport News, Virginia
July 16, 2025